

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

JAMES ARTHUR ROSS,

Petitioner,

v.

Civil Case No: 10-1440-HO

JEAN HILL,

Respondent.

Petitioner's Motion for Appointment of Counsel (#3) is denied without prejudice to request reconsideration after respondent has filed an answer or other responsive pleading.

§ 2254 Scheduling Order

The following § 2254 Scheduling Order is adopted in accordance with the provisions of the *Rules Governing Section 2254 Cases in the United States District Courts*:

- (a) Electronic Service Authorized on the Office of the Attorney General for the State of Oregon:** In accordance with the agreement filed by the Attorney General of the State of Oregon (Misc. Cv. 03-56) to accept electronic service, the clerk is directed to electronically file and serve a copy of this order, petition, and a form for acknowledging receipt of the petition and order upon the office the Attorney General of the State of Oregon.
- (b) Notification to the Attorney General's Office:** The clerk is directed to add the name of the Attorney General for the State of Oregon to the docket to effect electronic service as set forth in (a) of this Order.
- (c) Acknowledgment of Service:** Upon receipt of the petition and this order, the Attorney General must file the Acknowledgment of Service with the Clerk of the Court.
- (d) Respondent's Answer Deadline:** Not later than 60 days from receipt of the electronic transmission of this order, Respondent will file in duplicate and serve an answer, or other pleading which complies with the provision of Rule 5 of the *Rules Governing Section 2254 Cases in the United States District Courts*, including:

- (1) A statement asserting whether Petitioner has exhausted all available state remedies including any post-conviction remedies available to him under the statutes or procedural rules of the state and including also his right to appeal both from the judgment of conviction and from any adverse judgment or order in the post-conviction proceeding.
 - (2) A summary of the available transcripts from all pretrial, trial, sentencing and post-conviction proceedings; a date when those transcripts can be furnished to this court; and a summary of any proceedings which were recorded, but are not yet transcribed.
 - (3) A certified copy of the transcript of all proceedings upon which Petitioner's claim is based.
- (e) **Petitioner's Deadlines:** Not later than 60 days after the filing of Respondent's Answer (or other responsive pleading), Petitioner is authorized to file all additional papers necessary to support the § 2254 Petition.
- (f) **Under Advisement Deadline:** Unless otherwise directed by the court, the clerk will set the Petition under advisement deadline 75 days after the filing of Respondent's Answer or other responsive pleading. All other motion under advisement deadlines will be established by separate court order.

Notwithstanding these time schedules, Petitioner may, after the filing of Respondent's answer, file a written request to reset the Petition U/A deadline not later than two weeks following Respondent's filings.

Dated this 5th day of January, 2011.

s/ Michael R. Hogan
Michael R. Hogan
United States District Judge

cc: Petitioner
Assistant Attorney General for the State of Oregon

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

Plaintiff(s),

v.

Civil Case No:

Defendant(s).

**CONSENT TO JURISDICTION BY A
UNITED STATES MAGISTRATE JUDGE
AND DESIGNATION OF NORMAL APPEAL ROUTE**

In accordance with Fed. R. Civ P 73(b), as counsel for the party (parties) identified below, I consent to have a United States Magistrate Judge conduct any and all proceedings in this case, including entry of orders on dispositive motions, trial, and entry of final judgment. I understand that withholding consent will not result in any adverse consequences. In accordance with Fed. R. Div. P 73(c), I agree that any appeal from a final order or judgment entered by a United States Magistrate Judge shall proceed directly to the United States Court of Appeals for the Ninth Circuit, and not to a District Judge of this Court.

DATED this _____ day of _____, 20_____.

(Signature) _____

(Typed Name) _____ Bar ID No: _____

(E-Mail Address) _____

(Firm Name) _____

(Mailing Address) _____

(Telephone Number) _____

(Representing) _____

cc: Counsel of Record